HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.26385 of 2006

Dated 19th December 2006

Between:

M. Lakshmipathi Raju,
Bhimavaram, West Godavari District.

……Petitioner.

And

The Bhimavaram Municipal Corporation,
Rep by its Commissioner, Bhimavaram,
West Godavari District.

……..Respondents.

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O R D E R:

Heard Sri K.V.L. Narasimha Rao, the learned counsel representing the writ petitioner. Sri Nageswar Reddy, learned Standing Counsel representing the respondents takes notice.

The matter is coming up for admission today.

The writ petition is filed for a Writ of Mandamus declaring the action of the respondent herein in interfering with the construction of the House Building belonging to the petitioner herein situated in R.S.No.188/3 Ac.0-07 ½ cents and R.S.No.188/4, Ac.0-12 ½ cents, total Ac.0-20 cents, bounded by East: Nandula Alivelue Mangatayaru's etc. land, West: Municipal Road, North: Anaparthi Chalapathi Rao's land and South: Musti Venkata Subba Rao's land at Bhimavaram, West Godavari District as illegal, arbitrary and violation of principles of natural justice and for a consequential order directing the respondent not to proceed with demolition of house building of the petitioner herein and pass such other suitable orders.

2. Several factual details are narrated in Para Nos.2 to 6 of the affidavit filed in support of the writ petition. No doubt, the learned Standing Counsel representing the respondents would submit that this writ petition was filed

only on mere apprehension and nothing beyond thereto.

3. In the light of the facts and circumstances, this Court is of the considered opinion that the writ petition be disposed of directing the respondents not to resort to any demolition activity relating to the subject matter of the writ petition unless and until the respondents follow due process of law. It is needless to say that the contravention or violation of the master plan or deviations, if any, in the approved plan also may be taken into consideration while initiating further action, if any, in view of the facts and circumstances of the case.

4. Accordingly, the writ petition is disposed of. No order as to costs.

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(P.S. NARAYANA, J)

Dated 19th December 2006
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